

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 18 and 19 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

A) Claim 18 is directed to a computer "program" per se. Computer programs per se are abstract ideas and do not constitute statutory subject matter.

B) With respect to claim 19:

1) It is maintained that the "descriptive material" recited in the body of the claim 19 does not fall within the definition of a "data structure." Specifically, the recited descriptive material does not define a physical or logical relationship among the recited data elements that is designed to support specific data manipulation functions, as is required of a data structure. As such, it is maintained that the "descriptive material" recited in the body of claim 19 is nonfunctional descriptive material; e.g., the recited descriptive material merely describes what the recited "data" represents. Nonfunctional descriptive material constitutes non-statutory subject matter regardless of whether or not it is recorded on a recording medium.

2) It is further noted that even "functional descriptive material" per se is not statutory. That is, in order to be statutory, "functional descriptive material," recited in combination with an appropriate computer readable medium, must be capable of producing a useful, concrete, and tangible result when used in a computer system. It is maintained that the "descriptive material" recited in the body of claim 19 is not capable of producing a concrete and tangible result and, as such, does not constitute statutory subject matter for this reason too.

4. The Following “prior art” is noted:**A) Japanese Patent Document #2000-331466 to Iijichi:**

This Japanese patent document was submitted by applicant within the IDS that was submitted on 2/14/2005. A machine translation of the document has been obtained by the examiner and a copy of the translation is attached hereto.

Iijichi discloses a data file recording and reproduction system for recording and reproducing data as data files wherein the system is provided with a recording and reproducing resume feature which permits the system to resume and interrupted recording/reproduction event at the last data file location that was recorded/reproduced prior to the interruption [Note paragraph 0008 of the translation]. While the invention was described with as being used with solid-state memory, Iijichi explicitly taught that it was applicable to disk shaped recording media too [note paragraph 0093].

B) Japanese Patent Document #2000-293851 to Yoshimura:

This Japanese patent document has been cited by the examiner and is provided with a machine translation thereof.

Yoshimura discloses a data recording and reproduction system for recording and reproducing data wherein the system is provided with a recording and reproducing pause and resume feature which permits the system to pause and resume interrupted recording/reproduction events at the last recording/reproducing location [note paragraphs 0004 and 0014 of the translation].

C) Japanese Patent Document #11-259958 to Tomita et al:

This Japanese patent document was submitted by applicant within the IDS that was submitted on 2/14/2005. A machine translation of the document has been obtained by the examiner and a copy of the translation is attached hereto.

Tomito et al. discloses an optical recording system for recording compressed audio and video data as element streams of an MPEG signal [note paragraphs 001000012 of the translation]. The system records and retrieves resume information to/from the optical disc wherein the resume information identified the last location on the disc to/from which the MPEG signal were recorded/played [note paragraphs 0023-0029 of the attached translation].

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,263,155 to Saeki et al. in view of Japanese Patent Document #11-259958 to Tomita et al.:

I. The showing of Saeki et al.

Saeki et al. has been cited as being illustrative of a conventional AV disc-type recording and playback apparatus that includes:

- a) A recording unit (e.g., @ 100 and 101) which is operable to record a and video data file and various other files related thereto (e.g., management files) [note lines 13-36 in column 14]; and
- b) A controller unit (e.g., @ 102, 105, 106, 107, 130) for controlling the recording unit to record and reproduce the video data file and the other related filed including the management file [note lines 13-36 in column 14].

II. Differences.

Claim 1 differs from the showing of Saeki et al. only in that claim 1 recites that the controller is operable to add resume information to the management information wherein the resume information is used to identify the last recorded video data file when the video file and additional files (e.g., additional video data files) are recorded.

III. Obviousness.

As was set forth in paragraph 4 of this Office action, Tomita et al. described a system for adding resume information to the management information of data being recorded on an optical recording device so that either an interrupted recording event, or an interrupted reproducing event, could be resumed at the last location at which the data was last stored/reproduced. The examiner maintains that it would have been obvious to one of ordinary skill in that art to have modified the disc based recording system disclosed by Saeki et al. to include the circuitry needed to add resume information, as described in Tomita et al., to the management information/file. The modification would have advantageously permitted the system to continue recording/playback from the last location without having to search for it; i.e., motivation for the modification.

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7. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,263,155 to Saeki et al. in view of Japanese Patent Document #2000-331466 to Ijichi.

I. The showing of Saeki et al.

Saeki et al. has been cited as being illustrative of a conventional AV disc-type recording and playback apparatus that includes:

- a) A recording unit (e.g., @ 100 and 101) which is operable to record a and video data file and various other files related thereto (e.g., management files) [note lines 13-36 in column 14]; and
- b) A controller unit (e.g., @ 102, 105, 106, 107, 130) for controlling the recording unit to record and reproduce the video data file and the other related filed including the management file [note lines 13-36 in column 14].

II. Differences.

Claim 1 differs from the showing of Saeki et al. only in that claim 1 recites that the controller is operable to add resume information to the management information wherein the resume information is used to identify the last recorded video data file when the video file and additional files (e.g., additional video data files) are recorded.

III. Obviousness.

As was set forth in paragraph 4 of this Office action, Ijichi described a system for adding resume information to the management information of data being recorded on an optical recording device so that either and interrupted recording event, or an interrupted reproducing event, could be resumed at the last location at which the data was last stored/reproduced.

The examiner maintains that it would have been obvious to one of ordinary skill in that art to have modified the disc based recording system disclosed by Saeki et al. to include the circuitry needed to add resume information, as taught by Ijichi, to the management information/file. The modification would have advantageously permitted the system to continue recording/playback from the last location without having to search for it; i.e., motivation for the modification.

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8. Claims 2 and 12 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,263,155 to Saeki et al. in view of Japanese Patent Document #2000-331466 to Ijichi for the same reasons that were set forth above for claim 1. Additionally:

Ijichi identifies the locations by identifying the last recorded file including the last recording position thereof [note paragraph 0009 of the translation].

9. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,263,155 to Saeki et al. in view of Japanese Patent Document #2000-331466 to Ijichi for the same reasons that were set forth above for claim 1. Additionally:

Ijichi identifies the file as being from the "group" of files from which recording/play can be resumed.

10. Claims 14 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,263,155 to Saeki et al. in view of Japanese Patent Document #2000-331466 to Ijichi for the same reasons that were set forth above for claim 1. Additionally:

Ijichi indicates that the data files have a "head position" that can be identified by the system in some unspecified fashion [note paragraph 0009 of the translation]. The examiner maintains that it was notoriously well known to have provided the head position of such data files with an identifier for locating the head opposition. The examiner contends that it would have been obvious to one of ordinary skill in the art to have provided the head portion of the data filed with such a conventional identifier to accomplish the required head portion identification.

11. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,263,155 to Saeki et al. in view of Japanese Patent Document #11-259958 to Tomita et al for the same reasons that were set forth above for claim 1

12. Claims 17 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #6,263,155 to Saeki et al. in view of Japanese Patent Document #2000-331466 to Ijichi for the same reasons that were set forth above for claim 1.

13. Claims 3-11, 15, and 16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID E. HARVEY whose telephone number is (571) 272-7345. The examiner can normally be reached on M-F from 6:00AM to 3PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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